



Town of Lexington
Planning Department

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Lexington, MA 02420

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FORM A

**APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO
REQUIRE APPROVAL UNDER THE SUBDIVISION CONTROL LAW**

(date)

To the Planning Board:

The undersigned wishes to record the accompanying plan of land in Lexington and requests a determination that:

- 1) the plan does not constitute a subdivision within the meaning of the Subdivision Control Law; and
 - 2) approval of the plan by the Planning Board under Subdivision Control Law is not required;
- and the endorsement of the plan to that effect by the Planning Board.

The land to be subdivided is shown on a plan entitled:

_____ dated, _____

prepared by _____ Registered Land Surveyor,

Mass. Reg. # _____ whose place of business is in _____, Mass.

The land to be subdivided is located and described:

#'s*: _____ Street: _____ *If street numbers have not yet been issued yet, use approximate street numbers.

Town of Lexington Assessors Map # _____ Lot(s)# _____

Received by Planning Board:

Space for Town Clerk

Note: The owners of all land affected by this subdivision must sign this application.

SIGNATURES OF OWNERS

Owner of Existing Lot(s) # _____

Owner of Existing Lot(s) # _____

Signature of Owners

Signature of Owners

Name of Owners

Name of Owners

Owner of Existing Lot(s) # _____

Owner of Existing Lot(s) # _____

Signature of Owners

Signature of Owners

Name of Owners

Name of Owners

Phone # of Applicant (for notification of Board action) _____

If owner is not applicant:

Signature of Agent for Owner(s): _____

Agent's name: _____

Agent's address: _____

Agent's Business Phone #: _____ Agent's FAX _____

The owners believes that approval under the Subdivision Control Law is not required for the following reasons: (check all boxes that apply)

A. TYPE OF STREET, ADEQUACY OF SERVICES

1. Frontage on Public Street:

The division of the tract of land shown on the accompanying plan is not a subdivision because each lot has frontage on _____ Street which is a public way.

2. Frontage on Unaccepted Street:

The division of the tract of land shown on the accompanying plan is not a subdivision because each lot has frontage on _____ Street which is an unaccepted street that (____) appears or (____) does not appear on the Zoning Map.

.. The applicant requests that the Planning Board determine that

..a. _____ Street complies with the Standards for the Grade and Construction of an Unaccepted Street, set forth in Article XII of the Development Regulations and the applicant submits a Request for Determination of Adequate Grade and Construction. (The applicant should obtain a copy of this form and instructions necessary to document the determination from the Planning Department staff.); or

..b. no change in the use or demand for municipal services will occur as a result of the proposed subdivision. For example, a change in lot lines between two lots each of which is developed would likely result in no change in use.

3. Frontage on Subdivision Street:

.. The division of the tract of land shown on the accompanying plan is not a subdivision because each lot has frontage on _____ Street which is a street that has been constructed and satisfactorily completed as part of the _____ subdivision approved by the Planning Board on _____ (date approval filed with Town Clerk); or

.. is a technical correction of lot lines within that subdivision that does not create any additional building lots.

B. FRONTAGE RELATIVE TO ZONING REQUIREMENTS

1. Lots Have Frontage Required by Zoning:

.. The land to be subdivided is located in a _____ zoning district for which the minimum lot frontage required by Table 2, Schedule of Dimensional Controls of the Zoning By-Law is _____ feet. Proposed lot # _____ will have _____ feet of frontage, proposed lot # _____ will have _____ feet of frontage, proposed lot # _____ will have _____ feet of frontage, each of which equals or exceeds the requirement set forth in Table 2 for the zoning district.

2. Frontage of Lots is Nonconforming:

The land to be subdivided is located in a _____ zoning district for which the minimum lot frontage required by Table 2, Schedule of Dimensional Controls of the Zoning By-Law is _____ feet. Proposed lot # _____ has _____ feet of frontage, proposed lot # _____ has _____ feet of frontage, proposed lot # _____ has _____ feet of frontage, each of which is less than the requirement set forth in Table 2 for the zoning district.

Although the lots(s) to be subdivided do not have the minimum lot frontage required in the Zoning By-Law, it can be established that the frontage of the lots(s) is nonconforming, as described in the Zoning By-Law, and in the following cases:

- “a. there is no reduction in the frontage of any lot(s) with nonconforming lot frontage;
- “b. there is an increase in the frontage of any lot(s) with nonconforming lot frontage so that it complies more closely to the lot frontage requirements of the Zoning By-law;
- “c. where a lot, with frontage on more than one street, has frontage on another street that complies more closely with the requirements of the Zoning By-Law than the existing frontage of the lot proposed to be changed by the plan.

Note: To aid in its determination of whether a lot(s), which does not have the minimum lot frontage required by the Zoning By-Law, is nonconforming as described in the Zoning By-Law, the Planning Board may require that a legal opinion be furnished by the applicant as supporting evidence as provided in the Development Regulations.

3. Parcel with Insufficient Frontage to be Joined to Another Lot:

“ The land to be subdivided is located in a _____ zoning district for which the minimum lot frontage required by Table 2, Schedule of Dimensional Controls of the Zoning By-Law is _____ feet. Proposed parcel # _____ will have _____ feet of frontage, less than the requirement set forth in Table 2 for the zoning district, **but** the parcel will be joined to lot # _____, is not intended to be a separate lot, and the following note appears on the plan:

“Parcel _____ is to be joined to lot _____ and is not to be considered to be a separate lot.”

C. OTHER

1. Buildings Constructed Prior to April 4, 1948:

The plan is not a subdivision and approval under the Subdivision Control Law is not required because the plan subdivides a tract of land, on which two or more buildings were standing on April 4, 1948, when the Subdivision Control Law went into effect in Lexington, into separate lots on each of which one of such buildings will remain standing.

2. Other:

Other reasons or comments (See M.G.L., Chapter 41, Section 81-L & 81-P):

Note: The Planning Board will not endorse a plan that does not show the creation of new lot lines. A plan confirming existing lot lines or showing new easements will be accepted by the Registry of Deeds or Land Court in accordance with Section 81 X of the Subdivision Control Law if it bears the Certificate of a Registered Land Surveyor that the property lines and lines of streets, as shown on the plan, are as they exist.

OWNER/APPLICANT

	Owner/Applicant	Land Surveyor	Attorney
Name			
Mass. Registration #	n/a		n/a
Name of Firm			
Mailing Address			
Telephone #			
FAX #			